

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-246-FDW**

BRADFORD D. ALLEN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
MADISON CO. SHERIFF'S DEPT./JAIL,)	
ET AL.,)	
)	
Defendants.)	
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This matter is before the Court on Plaintiff's Third Motion for Order Compelling Discovery, (Doc. No. 44), on Plaintiff's First Request for Inspection or Entry, (Doc. No. 45), and on Plaintiff's Motion to Take Deposition of Buddy Hardwood, Tommy Worley, and Michael Garrison, (Doc. No. 47).

Pro se Plaintiff Bradford D. Allen, a pre-trial detainee currently incarcerated at Cherokee County Detention Center in Murphy, North Carolina, filed this action on November 2, 2015, pursuant to 42 U.S.C. § 1983. Plaintiff purports to bring numerous claims based on Defendants' conduct while Plaintiff was incarcerated at the Madison County Detention Center, including excessive force in violation of his constitutional right not to be subjected to cruel and unusual punishment under the Eighth Amendment to the U.S. Constitution, deliberate indifference to serious medical needs, a violation of his First Amendment right to redress grievances and access to the courts, and retaliation for complaining about his treatment and conditions at the jail. On May 18, 2016, this Court entered a scheduling order setting the deadline for discovery as September 10, 2016, with dispositive motions due on October 13,

2016. The parties have engaged in significant discovery, and this Court has already denied two previous motions to compel filed by Plaintiff in this matter. (Doc. No. 43).

Plaintiff first seeks an order from this Court compelling Defendant Sheriff Buddy Harwood to answer Interrogatories submitted by Plaintiff. Plaintiff also seeks the production of alleged video footage, as outlined in his Request for Production No. 4. The motion is denied, as Defendants have asserted that no such video footage exists. Defendants have further shown that Defendant Harwood has provided answers to the requested Interrogatories, as is demonstrated by Defendants' previous response to Plaintiff's first motion to compel.


Plaintiff next seeks an order from the Court allowing Plaintiff's inspection and entry of the Madison County Detention Center premises and weapons used by law enforcement in the possession of the Madison County Sheriff's Department. Plaintiff's motion is denied. Plaintiff is an incarcerated convicted felon. Thus, allowing him to enter jail premises and inspect weapons creates a significant security concern, as well as logistical issues regarding his transportation for such an inspection, and it would also create a significant risk of disrupting program operations of the Madison County Detention Center. Furthermore, Defendants contend in their opposition that Plaintiff's request is, any event, not likely to lead to admissible evidence under Rule 26(b)(1) of the Federal Rules of Civil Procedure.

Finally, Plaintiff also seeks an order from the Court allowing Plaintiff to take the depositions of Buddy Hardwood, Tommy Worley, and Michael Garrison. Plaintiff's motion is denied for the reasons stated in Defendants' response. That is, Defendants contend that the proposed deposition witnesses are officers with the Madison County Sheriff's Department, and very few of them have any knowledge whatsoever regarding Plaintiff's allegations; attendance of the proposed witnesses at depositions would create a significant hardship on Madison County

Sheriff's Department operations; Plaintiff is an incarcerated, convicted felon, and allowing Plaintiff to take the depositions would raise significant security concerns for the proposed deposition witnesses, as well as logistical issues regarding Plaintiff's transportation to the depositions; Plaintiff's request is not likely to lead to admissible evidence under Rule 26(b)(1); and Plaintiff has already obtained significant discovery from Defendants through written Interrogatories and Requests for Production of Documents.

IT IS THEREFORE ORDERED THAT:

(1) Plaintiff's Third Motion for Order Compelling Discovery, (Doc. No. 44); Plaintiff's First Request for Inspection or Entry, (Doc. No. 45); and Plaintiff's Motion to Take Deposition of Buddy Hardwood, Tommy Worley, and Michael Garrison, (Doc. No. 47), are all **DENIED**.


Frank D. Whitney
Chief United States District Judge 